

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM ROCK,	:	NO. 1:11-CV-01839-SHR
Plaintiff	:	
	:	Judge Sylvia H. Rambo
	:	
v.	:	
	:	
DONNA ASURE, GARY McFARLAND,	:	<i>ELECTRONICALLY FILED</i>
SUSAN McCOOL, JANET WEIDENSAUL,	:	
JOHN DOE MEDICAL COMPANY,	:	CIVIL ACTION – LAW
DR. DEBORAH WILSON, LINDA KELLY and	:	
GRACE RAMOS-HUERTAS,	:	JURY TRIAL DEMANDED
Defendants	:	

5. Plaintiff has also propounded other discovery and requests which have been answered.

6. The current deadline for the completion of discovery is August 20, 2012, however, Plaintiff has filed a Motion for Extension and counsel for the Responding Defendants has indicated that an additional 45 days may be appropriate.

7. Defendants' counsel has answered the Interrogatories at issue. The same were mailed to the Plaintiff on August 29, 2012.

8. If the Plaintiff would have complied with Local Rule 26.3 or F.R.C.P. 37(a)(1), he would have received this information and status update. However, again, Plaintiff has not conferred with counsel for these Defendants concerning the discovery motion as required and has not filed a certification that he attempted to resolve this discovery issue with counsel before involving the Court. As such, Plaintiff's Motion to Compel is both non-compliant with Civil Rules and is moot.

9. Plaintiff has asked for sanctions in the amount of \$2,500 to compensate him for the tardiness of the answers to Interrogatories and for his costs in filing this Motion.

10. Plaintiff provides no factual basis for this request nor has Plaintiff alleged how he is prejudiced.

11. As stated, the Interrogatories have been answered and counsel for the Responding Defendants has agreed to an extension of the discovery deadline in this case. Plaintiff did not confer with counsel for the Defendants before filing this Motion and so he cannot receive sanctions under F.R.C.P. 37.

WHEREFORE, Deborah Wilson, D.O. and Grace Ramos-Huertas respectfully request this Court deny Plaintiff's Second Motion to Compel.

Respectfully submitted,

JOHNSON, DUFFIE, STEWART & WEIDNER

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Grace Ramos-Huertas

Date: August 30, 2012

**CERTIFICATE OF SERVICE**

I hereby certify that on August 30, 2012, I electronically filed the foregoing *Response in Opposition to Second Motion to Compel* with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Gerard J. Geiger, Esquire  
Newman, Williams, Mishkin, Corveleyn, Wolfe & Fareri  
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Stroudsburg, PA 18360  
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*Counsel for Donna Asure*

I hereby certify that a copy of the foregoing document has been served on the following non-CM/ECF participants by depositing the same in the United States Mail, postage prepaid, in Lemoyne, Pennsylvania on August 30, 2012:

William Rock (JG 4029)  
SCI - Houtzdale  
**SPECIAL MAIL - OPEN ONLY IN  
PRESENCE OF THE INMATE**  
P.O. Box 100  
Houtzdale, PA 16698-1000  
*Pro Se Plaintiff*

JOHNSON, DUFFIE, STEWART & WEIDNER

By: s/John R. Ninosky  
John R. Ninosky